

HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

Writ Petition No. 10077 of 2007

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Between:

V.V.N. Sresthi

... Petitioner

And

The Government of Andhra Pradesh,
Rep. by its Secretary, Municipal Administration
Hyderabad & another

... Respondents

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:: ORDER ::

Counsel for the petitioner : Shri N.V. Anantha Krishna

Counsel for the respondents : Shri S. Nageswara Reddy

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June 5, 2007
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Per G.S. Singhvi, CJ

In this petition, the petitioner has prayed for quashing notice dated 08.03.2007 issued by Commissioner, Kakinada Municipal Corporation under Sections 452, 461, 636 of the Hyderabad Municipal Corporation Act, 1955 read with the Andhra Pradesh Municipal Corporations Act, 1994 requiring him to show cause in the matter of

unauthorised construction on plot bearing D.No.
Jawahar Street, Kakinada.

12-1-43,

After arguing the case for some time, Shri N.V. Anantha Krishna, learned counsel for the petitioner made a request that his client may be permitted to withdraw the writ petition with liberty to file his reply to the notice impugned in the writ petition. Simultaneously, he prayed for issue of a direction to the competent authority of the Municipal Corporation of Kakinada not to carry out the demolition till the passing of final order.

In our opinion, the request made by Shri Anantha Krishna is reasonable and merits acceptance. Hence, the writ petition is dismissed as withdrawn with the following directions:

- (1) Within seven days from today, the petitioner shall file his reply to notice dated 08.03.2007 along with the documents, if any to show that he has not raised the construction in violation of the plan submitted along with application dated 05.10.2006 or in violation of Zoning Regulations and G.O.Ms.No.423, dated 31.07.1998.
- (2) Within next seven days, the competent authority of the municipal corporation shall pass appropriate order after considering the representation of the petitioner.
- (3) If the concerned authority comes to the conclusion that the construction made by the petitioner does not violate the plan submitted along with the application or the Zoning Regulations or G.O.Ms.No.423, dated 31.07.1998, then no further action will be required to be taken in the matter.
- (4) If on the other hand, the concerned authority comes to the conclusion that the construction made by the petitioner is contrary to the plan submitted by him or the Zoning Regulations or the provisions contained in G.O.Ms.No.423, dated 31.07.1998, then the petitioner may be given three days' time to remove the illegal construction. If he fails to remove the illegal

construction, then the competent authority shall demolish the same.

As a sequel to disposal of the writ petition in the manner indicated above, W.P.M.P.No.12773 of 2007 is disposed of as infructuous.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

05.06.2007

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